

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
CASE NO. 1:14-CV-954**

**STUDENTS FOR FAIR
ADMISSIONS, INC.,**

Plaintiff,

v.

**UNIVERSITY OF NORTH
CAROLINA et al.,**

Defendants.

**DEFENDANTS' UNOPPOSED MOTION
FOR EXTENSION OF TIME**

PURSUANT to Fed. R. Civ. P. 6(b), Defendants hereby request an enlargement of time in which to serve an answer or other response to Plaintiff's complaint. In support of this motion, Defendants show the following:

1. Plaintiff filed its Complaint on November 17, 2014 against the University of North Carolina ("UNC System"), the UNC Board of Governors and its individual members, and President Thomas W. Ross (collectively, "UNC System Defendants"). Plaintiff's Complaint also names as defendants the University of North Carolina at Chapel Hill ("UNC-Chapel Hill"), the UNC-Chapel Hill Board of Trustees and its individual members, Chancellor Carol Folt, Executive Vice Chancellor and Provost James W. Dean, Jr., and Vice Provost of Enrollment and Undergraduate Admissions Stephen M. Farmer (collectively, "UNC-Chapel Hill Defendants"). All individual defendants were sued in their official capacities.

2. On November 21, 2014, Plaintiff's counsel requested that the UNC System Defendants waive service of the Complaint. On December 1, 2014, Plaintiff requested that the UNC-Chapel Hill Defendants waive service of the Complaint. All Defendants agreed, through counsel, to waive service. Pursuant to Fed. R. Civ. P. 4(d)(3), therefore, the UNC System Defendants have until January 20, 2015 to file an answer or other response, and the UNC-Chapel Hill Defendants have until January 30, 2015 to file an answer or other response. These deadlines have not passed.

3. Plaintiff's Complaint is a 65-page, 227-paragraph Complaint against 55 Defendants that raises three constitutional challenges to UNC-Chapel Hill's admissions process. Plaintiff seeks declaratory relief, a permanent injunction and attorneys' fees.

4. Counsel for Defendants have recently associated with outside counsel to assist with this litigation of this case. In light of other pressing matters and responsibilities and in order to give counsel adequate time to confer with their numerous clients and prepare a response, Defendants seek a 45-day extension of time from the UNC System Defendants' deadline of January 20, 2015 for all Defendants to serve a response. If the requested extension is granted, a response from all Defendants would be due March 6, 2015.

5. Defendants do not seek the extension for any improper purpose. This is their first request for an extension.

6. The undersigned counsel have consulted with Plaintiff's counsel about the proposed extension. Plaintiff's counsel has indicated no objection to the requested 45-day extension of time.

WHEREFORE, Defendants request the Court extend the deadline for serving their answer or other response up to and including March 6, 2015.

Respectfully submitted this 12th day of January, 2015.

ROY COOPER
Attorney General

/s/ Stephanie A. Brennan
Stephanie A. Brennan
Special Deputy Attorney General
NC State Bar No. 35955
E: sbrennan@ncdoj.gov

/s/ Matthew Tulchin
Matthew Tulchin
Assistant Attorney General
NC State Bar No. 43921
E: mtulchin@ncdoj.gov
NC Department of Justice
Post Office Box 629
Raleigh, NC 27602-0629
T: (919) 716-6920
F: (919) 716-6764
Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on 12 January 2015, I electronically filed the foregoing **DEFENDANTS' MOTION FOR EXTENSION OF TIME** with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following registered CME/ECF users:

Thomas R. McCarthy
William S. Consovoy
J. Michael Connolly
CONSOVOY MCCARTHY PLLC

W. Ellis Boyle
ELLIS BOYLE LAW PLLC.

Attorneys for Plaintiff

This 12th day of January 2015.

ROY COOPER
Attorney General

/s/ Stephanie A. Brennan
Stephanie A. Brennan
Special Deputy Attorney General
NC State Bar No. 35955
E: sbrennan@ncdoj.gov

/s/ Matthew Tulchin
Matthew Tulchin
Assistant Attorney General
NC State Bar No. 43921
E: mtulchin@ncdoj.gov
NC Department of Justice
Post Office Box 629

Raleigh, NC 27602-0629
T: (919) 716-6920
F: (919) 716-6764
Attorneys for Defendants